

# EXHIBIT 1



**DAVIS POLK & WARDWELL**

1300 I STREET, N.W.  
WASHINGTON, D.C. 20005

1800 EL CAMINO REAL  
MENLO PARK, CA 94025

88 GRESHAM STREET  
LONDON EC2V 7NR

450 LEXINGTON AVENUE  
NEW YORK, N.Y. 10017  
E 212-450-4000  
FAX 212-450-3800

WRITER'S DIRECT  
212 460-4858

15, AVENUE MATHISON  
75005 PARIS

MESSEURM  
80308 FRANKFURT AM MAIN

17-23, AKASAKA 2-CHOME  
MINATO-KU, TOKYO 107-0052

3A GHATER ROAD  
HONG KONG

February 18, 2004

**Re: In re Pharmaceutical Industry Average Wholesale Price Litigation**

Kenneth A. Wexler, Esq.  
The Wexler Firm  
One North LaSalle Street, Suite 2000  
Chicago, IL 60602

Dear Mr. Wexler:

I am writing in response to your letter dated February 17, 2004, which purports to memorialize our telephone conversation on February 13, 2004.

First, AstraZeneca has already produced pricing data, call notes and buying group contracts from the 1998-2000 time period. I informed you during our call on February 13 that the current rolling production consists of certain desk files from that same time period.

Second, AstraZeneca generally objected to any request that purports to impose discovery obligations broader than AstraZeneca's obligations under the Federal Rules of Civil Procedure. Plaintiffs' instruction number 10 clearly falls within this general objection. Nonetheless, we will consider your request and whether we can provide certain information in a manner that will not be unduly burdensome.

Third, AstraZeneca's objection to plaintiffs' interrogatories seeking "Best Price" and "AMP" data for Zoladex is not based on relevance alone. Although relevance was the only objection that we discussed on February 13, AstraZeneca's Responses and Objections to Plaintiffs' Interrogatories clearly states that AstraZeneca also objects to these interrogatories on the ground that they are unduly burdensome. AstraZeneca's response to these interrogatories is also subject to all of AstraZeneca's general objections.

Fourth, I did not agree to reconsider producing miscellaneous administrative documents relating to various physician buying group contracts. In fact, I asserted that these documents would only be responsive under an unreasonably broad interpretation of plaintiffs' document requests and that production of these documents would be unduly burdensome in any event. Nor did I confirm, as you suggest, that these were the only documents that have been



Kenneth A. Wexler

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February 18, 2004

withheld on the basis of an objection. I merely agreed to get back to you on your request that we identify any other documents that AstraZeneca is withholding. As a preliminary matter, we are concerned that your request to identify every such document would be unduly burdensome.

Fifth, I indicated that we will be producing a privilege log. You requested that we do so on a rolling basis.

Sixth, you are correct that we will not be producing the individuals listed on your February 6, 2004 Notice of Deposition on the dates indicated in that Notice. It would be virtually impossible to coordinate scheduling for thirteen individuals on just two weeks notice. We will get back to you regarding scheduling when we have information on the availability of these individuals.

Finally, we did not agree to produce Rule 30(b)(6) designees on February 26 and 27. As you know, we were prepared to proceed with one Rule 30(b)(6) designee on February 13. You agreed, however, that it would be more efficient to postpone that deposition until we could provide a second Rule 30(b)(6) designee at the same time. Although you proposed February 26 and 27 as dates for these depositions, we informed you that we could not guarantee that the witnesses would be available on those dates. It currently appears that the first available dates will be in early March. We will get back to you with specific proposed dates as soon as possible.

Under these circumstances, we believe a motion to compel would be unfounded. If you decide to proceed nonetheless, we will likely use the opportunity to raise with the Court our concerns regarding certain named plaintiffs, including CCI and Man-U, that have so far failed to provide us with proposed dates for Rule 30(b)(6) depositions, despite repeated requests.

Sincerely,

  
Kimberley Harris

By Facsimile

cc: All Counsel of Record via Verilaw

DAVIS POLK & WARDWELL

**155 LEXINGTON AVENUE**

**NEW YORK, N.Y. 10017**

**212-450-4000**

**FAX: 212-450-4000**

**WRITER'S DIRECT NUMBER:  
212 450-4859**

**1200 I STREET, N.W.  
WASHINGTON, D.C. 20005**

**4, PLACE DE LA CONCORDE  
75005 PARIS**

**1 FREDERICKS PLACE  
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**8-1, MARUNOUCHI BUILDING  
CHITODA-KU, TOKYO 100**

**MESSeturm  
60005 FRANKFURT AM MAIN**

**3A CHATER ROAD  
HONG KONG**

**September 9, 2004**

**Re: In re Pharmaceutical Industry Average Wholesale Price Litigation**

**Kenneth A. Wexler, Esq.  
The Wexler Firm  
One North LaSalle Street  
Suite 2000  
Chicago, IL 60602**

**Dear Ken:**

**As you requested, we have rescheduled to September the depositions originally set for August. Below are the dates that we have been able to confirm thus far. As I mentioned in our telephone conversation last week, the first deposition is scheduled for September 15. Please also note that we will have to postpone the depositions of Ken Murtha and Marion McCourt originally scheduled for the third week of September due to the mediation session with Eric Green.**

<b>Jim Blessington</b>	<b>September 15, 2004</b>
<b>Nick Harsh</b>	<b>September 24, 2004</b>
<b>Jim Brady</b>	<b>September 30, 2004</b>
<b>Nancy Wilkinson</b>	<b>October 7, 2004</b>

**Please let me know if these dates work for you. We will get back to you when we have confirmed additional dates.**

**Sincerely,**

  
**Kimberley Harris**

**By Facsimile**



**THE WEXLER FIRM LLP**

September 14, 2004

**VIA VERILAW**

Ms. Kimberly D. Harris  
Davis Polk & Wardwell  
450 Lexington Avenue  
New York, NY 10017

Re: In re: Pharmaceutical Industry Average Wholesale Price Litigation  
MDL No. 1456

Dear Kim:

This is to confirm that we are taking the following depositions of various AstraZeneca personnel on the following dates at Morris Nichols Arsht & Tunnell located at 1201 North Market Street in Wilmington, DE, in conference room 17B:

Nick Harsh	September 24, 2004
Jim Brady	September 30, 2004
Nancy Wilkinson	October 7, 2004

All of the depositions are scheduled to begin at 9:30 a.m. Please let me know if you have any questions.

Very truly yours,

Kenneth A. Wexler

KAW:jb

cc: Plaintiff's Co-Lead Counsel (via Verilaw)

Contact information:

Kenneth A. Wexler  
312 281 6187 Direct Dial  
kawexler@wexlerfirm.com

One North LaSalle Street  
Suite 2000  
Chicago, Illinois 60602

312 346 2222  
312 346 0022 fax  
www.wexlerfirm.com



**THE | WEXLER | FIRM LLP**

September 20, 2004

**VIA VERILAW**

Ms. Kimberly D. Harris  
Davis Polk & Wardwell  
450 Lexington Avenue  
New York, NY 10017


Re: In re: Pharmaceutical Industry Average Wholesale Price Litigation  
MDL No. 1456.

Dear Kim:

This is to confirm that the depositions of Nick Harsh, Jim Brady and Nancy Wilkinson scheduled for September 24, 30 and October 7, respectively, have been cancelled until further notice.

Please let me know if you have any questions.

Very truly yours,



Kenneth A. Wexler

KAW:lyr

cc: All Counsel of Record (via Verilaw)

**Contact Information:**

Kenneth A. Wexler  
312 281 0187 Direct Dial  
kwexler@wexlerfirm.com

One North LaSalle Street  
Suite 2000  
Chicago, Illinois 60602

312 346 2222  
312 346 0022 fax  
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**DAVIS POLK & WARDWELL**

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1000 EL CAMINO REAL  
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450 LEXINGTON AVENUE  
NEW YORK, N.Y. 10017

212 450 4000  
FAX 212 450 3800

WHITEN'S DIRECT  
212 450 8083

MESSURM  
60308 FRANKFURT AM MAIN

MARQUÉS DE LA ENSENADA, 8  
28004 MADRID ESPAÑA

1-6-1 ROFFONDI  
MINATO-KU, TOKYO 100-8033

3A CHATER ROAD  
HONG KONG

February 1, 2005

**Re: In re: Pharmaceutical Industry Average Wholesale Price Litigation**

Elizabeth Fegan, Esq.  
Hagens Berman LP  
60 W. Randolph Street  
Suite 200  
Chicago, IL 60601

Dear Beth:

I write in response to your letter of January 28, 2005 to Scott Wise, in which you claim, among other things, that we are trying to limit plaintiffs to ten depositions of AstraZeneca. To the contrary, in the spirit of full and fair discovery, AstraZeneca has offered dates for thirteen witnesses (in addition to the three 30(b)(6) witnesses already deposed) and agreed to discuss producing different and/or additional witnesses in the event plaintiffs believe such depositions are necessary. Rather than accepting this reasonable offer or making a constructive counter-proposal, you have demanded that AstraZeneca agree to produce twenty-five deponents, "not including 30(b)(6) witnesses" and without prejudice to plaintiffs' "right to request additional depositions." We fail to see how you can in good faith characterize a such limitless proposal as a "reasonable compromise," particularly when your principal justification – which is both self-serving and circular – is the volume of documents produced by AstraZeneca in response to *plaintiffs'* document requests.

We have not asked plaintiffs to agree to a limit on the number of depositions, despite our clear right to do so. Instead, we merely seek to avoid depositions that are duplicative, cumulative and/or irrelevant. This is best accomplished by plaintiffs first taking the depositions we can agree upon and then pursuing – whether by agreement or through the Court – any additional depositions you believe are warranted. Our proposal will make the process more efficient, not delay it.

The suggestion in your letter of January 3, 2005, that depositions of AstraZeneca witnesses be double or triple tracked, would undoubtedly result in plaintiffs taking duplicative or irrelevant depositions because there would be no

Elizabeth Fegan, Esq.

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February 1, 2005

opportunity for you to consider the testimony provided.<sup>1</sup> Moreover, the fact that your January 28 letter identifies three witnesses not even included among the twenty-nine in plaintiffs' deposition notices underscores the thoughtless manner in which plaintiffs have been approaching these depositions. That said, we think it is constructive that you have provided a list of ten priority witnesses.

As you know, we already have proposed dates for five witnesses on your list: Nick Harsh - February 8; James Liebman - February 11; Nancy Wilkinson - February 17; Erik Schultz - March 1; Charles Joseph - March 9. You have confirmed the dates for the Harsh, Liebman and Wilkinson depositions.<sup>2</sup> As indicated in my letter of January 27, Mr. Wexler has advised us that the dates proposed for the Schultz and Joseph depositions probably would work for plaintiffs. Please confirm these dates - or let us know if they do not work - at your earliest convenience.

We are in the process of consulting with the other five witnesses on your list (Marion McCourt, Don Sawyer, Joe Skupen, Esther Selvaggi, and Keith Patterson) and will get back to you shortly.

We understand your letter to mean that plaintiffs do not intend to go forward at this time with the other depositions that have been confirmed (Jim Blessington - February 10; Ken Murtha - February 15; Paul Villa - February 22; Jack Cook - February 24; and James Brady - March 10) or proposed (Steve Strand - February 15; and Michael Diggin - March 15) and will so advise those witnesses.

Regarding plaintiffs' 30(b)(6) notice dated January 3, 2005, the objection AstraZeneca initially raised with respect to discovery relating to the retail class of trade still stands - specifically, the discovery requested is unduly burdensome and irrelevant to your claims. (See, e.g., Defendant AstraZeneca Pharmaceuticals LP's Objections and Responses to Plaintiffs' Omnibus Requests For Production and Interrogatories With Respect To Drugs That Were Not Previously Subject to Discovery). As for the documents cited in your letter, they are responsive because of their discussion of AWP spread, not because of their relation to the retail class of trade. In any event, as part of our effort to reach a compromise, we will designate Jim Liebman and/or Erik Schultz as a 30(b)(6) witness to cover the topics in your notice. AstraZeneca reserves its right to object to any further discovery relating to the retail class of trade.

---

<sup>1</sup> The reference in your January 3 letter to defendants' history of double or triple tracking depositions is misplaced. It is my understanding that defendants scheduled depositions of different entities on the same date, not multiple depositions of one entity.

<sup>2</sup> During a telephone call with Ken Wexler on January 26, 2005, Mr. Liebman's deposition had been confirmed for this Friday, February 4, 2005, at a location in Wilmington to be agreed upon (i.e., a location other than AstraZeneca's offices). We learned yesterday that, because you are no longer available on February 4, Mr. Liebman's confirmed deposition would need to be rescheduled.



Elizabeth Pegan, Esq.

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February 1, 2005

Lastly, the claim that AstraZeneca "is refusing to produce witnesses unless the depositions are at AZ" is demonstrably false. In Monica Lamb's letter of January 21, 2005, we did initially "request that the depositions take place at AstraZeneca's facility in Wilmington." When, however, Mr. Wexler informed Monica that he would not be comfortable with that arrangement, she (in a January 27, 2005 e-mail) offered instead to make arrangements at the Morris Nichols law firm, where the AstraZeneca 30(b)(6) depositions took place. This clearly does not constitute insisting that the depositions take place at AstraZeneca. However, we see no reason to change the venue for the depositions to a law firm that is significantly less convenient than Morris Nichols. As you know, Morris Nichols is just blocks from the train station and the Hotel Dupont, whereas the law firm you have proposed is all the way across town. Moreover, there were no problems with Morris Nichols at the three AstraZeneca depositions previously taken there. As indicated in Monica's e-mail of January 27, we will make sure that plaintiffs have a conference room for themselves. We will also make sure that lunch is brought in so that we can all save time. Please let us know if this arrangement is acceptable to plaintiffs.

Sincerely,



Trisha Lawson

cc: Ken Wexler, Esq.  
The Wexler Firm  
One North La Salle Street  
Suite 2000  
Chicago, Illinois 60602



**THE | WEXLER | FIRM <sup>LLP</sup>**

January 18, 2005

**Via Facsimile**

Monica Lamb  
Davis Polk & Wardell  
450 Lexington Avenue  
New York, NY 10017

**Re: *In re Pharmaceutical Industry Average Wholesale Price Litigation*  
MDL No. 1456**

**Dear Monica:**


**This is to confirm that the following depositions will be taken on the dates indicated:**

James Liebman	February 4, 2005
Nick Harsh	February 8, 2005
Jim Blessington	February 10, 2005
Kenneth Murtha	February 15, 2005
Nancy Wilkinson	February 17, 2005
Paul Villa	February 23, 2005
Jack Cook	February 24, 2005
Jim Brady	March 10, 2005

**The depositions will be taken at the firm of Morris, Nichols, Arsht & Tunnell, 1201 North Market Street, Wilmington, DE 19899, beginning at 9:30 a.m.**

**As you know, we are still waiting for you to propose dates for the remaining depositions that have been noticed. AstraZeneca is continuing to violate the scheduling requirements of CMO No. 10.**

**Very truly yours,**

  
**Kenneth A. Wexler**

**KAW:lmv**

**cc: Jennifer Fountain Connolly  
Elizabeth A. Fegan**

**Contact Information: Kenneth A. Wexler  
312 261 6197 Direct Dial  
kwexler@wexlerfirm.com**

**One North LaSalle Street  
Suite 2000  
Chicago, Illinois 60602**

**312 346 2222  
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**THE | WEXLER | FIRM<sup>LLP</sup>**

**Monica Lamb  
January 18, 2005  
Page 2**

**cc: All counsel of record via Verilaw**

Subject: AWP: Nancy Wilkinson  
Date: Mon, 14 Feb 2005 08:58:41 -0800  
X-MS-Has-Attach:  
X-MS-TNEF-Correlator:  
Thread-Topic: AWP: Nancy Wilkinson  
Thread-Index: AcUStm1U4EfG3BSATZmIfu0/QIbYXQ==  
From: "Beth Fegan" <beth@hagens-berman.com>  
To: "Trisha Lawson" <tlawson@dpw.com>  
Cc: <kawexler@wexlerfirm.com>  
X-MIME-Autoconverted: from quoted-printable to 8bit by prd32.dpw.com id j1EGWv517759

Trisha,

We are postponing the deposition of Nancy Wilkinson scheduled for Thursday. We will give you a call mid-week to discuss depositions going forward.

Thanks,  
Beth

Elizabeth A. Fegan, Esq.  
Hagens Berman LLP  
60 W. Randolph  
Suite 200  
Chicago, Illinois 60601  
312.762.9235  
312.762.9286 (fax)  
www.hagens-berman.com

## EXHIBIT 2



**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION**

**MDL No. 1456**

**CIVIL ACTION: 01-CV-12257-PBS**

**Judge Patti B. Saris**

**NOTICE OF DEPOSITIONS TO ASTRA ZENECA**

**TO: ALL COUNSEL OF RECORD:**

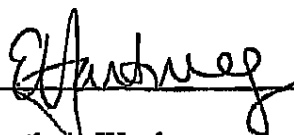
PLEASE TAKE NOTICE that pursuant to Rule 30 of the Federal Rules of Civil Procedure, plaintiffs, by and through their counsel, will take the depositions upon oral examination of the following individuals at the offices of The Wexler Firm, One N. LaSalle Street, Suite 2000, Chicago, IL 60602 on the following dates and times, and continuing from day to day thereafter until completed. The depositions shall be taken before a notary public or another office authorized by law to administer oaths and will be recorded by stenographic means. You are invited to attend.

<b>Deponent</b>	<b>Date</b>	<b>TIME</b>
Keith Patterson, Senior Product Manager J.R.	February 20, 2004	9:30 a.m.
J.R. Hildreth Senior Product Manager	February 23, 2004	9:30 a.m.
Chris Iacono Marketing Manager	February 24, 2004	9:30 a.m.
Tom Chen Associate Promotions Manager	February 24, 2004	9:30 a.m.
Steve Buckanavage Group Manager-Market Strategy & Contract Operations	February 25, 2004	9:30 a.m.
Mark Reisenauer Market Manager	February 27, 2004	9:30 a.m.



John Armstrong Sales Representative	February 20, 2004	3:00 p.m.
Gregg M. Agoston Sales Representative	February 23, 2004	3:00 p.m.
Amy K. Reynolds Sales Representative	February 24, 2004	3:00 p.m.
Andrew D. Baker Sales Representative	February 25, 2004	3:00 p.m.
Anne F. Ketterer Sales Representative	February 26, 2004	3:00 p.m.
Rick A. Bartels Sales Representative	February 27, 2004	3:00 p.m.
Brian Keyes Sales Representative	February 27, 2004	3:00 p.m.

Respectfully submitted,

By 

Kenneth A. Wexler  
Elizabeth Fegan Hartweg  
The Wexler Firm  
One N. LaSalle Street  
Suite 2000  
Chicago, IL 60602  
Telephone: 312/346-2222  
Facsimile: 312/346-0022



**CERTIFICATE OF SERVICE BY VERILAW**

Docket No. MDL 1456

I, Elizabeth Fegan Hartweg, hereby certify that I am one of plaintiffs' attorneys and that, on February 6, 2004, I caused copies of:

**Notice of Depositions of Astra Zeneca**

to be served on all counsel of record by causing same to be posted electronically via Verilaw.

Dated: February 6, 2004

  
\_\_\_\_\_  
Elizabeth Fegan Hartweg





**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION**

**MDL No. 1456**

**CIVIL ACTION: 01-CV-12257-PBS**

**Judge Patti B. Saris**

**NOTICE OF DEPOSITIONS TO ASTRA ZENECA**

**TO: ALL COUNSEL OF RECORD:**

PLEASE TAKE NOTICE that pursuant to Rule 30 of the Federal Rules of Civil Procedure, plaintiffs, by and through their counsel, will take the depositions upon oral examination of the following individuals at the offices of Morris, Nichols, Arsht & Tunnell, 1201 North Market Street, Wilmington, DE 19899 on the following dates and times, and continuing from day to day thereafter until completed. The depositions shall be taken before a notary public or another officer authorized by law to administer oaths and will be recorded by stenographic means. You are invited to attend.

<b>Deponent</b>	<b>Date</b>	<b>TIME</b>
Jack Cook	January 13, 2005	9:30 a.m.
Paul Villa	January 14, 2005	9:30 a.m.
Jim Brady	January 19, 2005	9:30 a.m.
Nancy Wilkenson	January 20, 2005	9:30 a.m.
Jim Blessington	January 26, 2005	9:30 a.m.
Nick Harsh	January 27, 2005	9:30 a.m.
Marion McCourt	January 31, 2005	9:30 a.m.

Respectfully submitted,

By Kenneth A. Wexler / ifc



Kenneth A. Wexler  
Jennifer Fountain Connolly  
The Wexler Firm  
One N. LaSalle Street  
Suite 2000  
Chicago, IL 60602  
Telephone: 312/346-2222  
Facsimile: 312/346-0022



**CERTIFICATE OF SERVICE BY VERILAW**

Docket No. MDL 1456

I, Kenneth A. Wexler, hereby certify that I am one of plaintiffs' attorneys and that, on December 22, 2004, I caused copies of:

**Notice of Depositions of Astra Zeneca**

to be served on all counsel of record by causing same to be posted electronically via Verilaw.

Dated: December 22, 2004

Kenneth A. Wexler ifc  
Kenneth A. Wexler



**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION**

**MDL No. 1456**

**CIVIL ACTION: 01-CV-12257-PBS**

**Judge Patti B. Saris**

**THIS DOCUMENT RELATES TO ALL  
CLASS ACTIONS.**

**NOTICE OF DEPOSITIONS TO ASTRAZENECA**

**TO: ALL COUNSEL OF RECORD:**

PLEASE TAKE NOTICE that pursuant to Rule 30 of the Federal Rules of Civil Procedure, plaintiffs, by and through their counsel, will take the depositions upon oral examination of the following individuals at the offices of Morris, Nichols, Arsht & Tunnell, 1201 North Market Street, Wilmington, Delaware 19899, on the following dates and times, and continuing from day to day thereafter until completed. The depositions shall be taken before a notary public or another officer authorized by law to administer oaths and will be recorded by stenographic means. You are invited to attend.

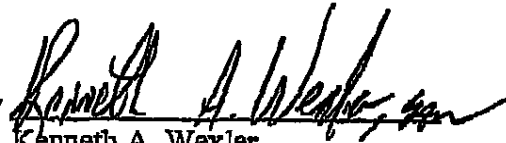
<b><u>Deponent</u></b>	<b><u>Date</u></b>	<b><u>Time</u></b>
David Brennan	February 2, 2005	9:30 a.m.
Sarah Harrison	February 4, 2005	9:30 a.m.
Charles Joseph	February 7, 2005	9:30 a.m.
J. R. Hildreth	February 8, 2005	9:30 a.m.
Anthony Zook	February 10, 2005	9:30 a.m.
Kenneth Murtha	February 11, 2005	9:30 a.m.



<u>Deponent</u>	<u>Date</u>	<u>Time</u>
Chris Iacono	February 15, 2005	9:30 a.m.
S. E. Strand	February 16, 2004	9:30 a.m.
Joe Skupen	February 17, 2005	9:30 a.m.
Mark Mallon	February 18, 2005	9:30 a.m.
Kathy Monday	February 22, 2005	9:30 a.m.
Sean Dougherty	February 23, 2004	9:30 a.m.
William McCool	February 24, 2005	9:30 a.m.
Chip Davis	February 25, 2005	9:30 a.m.
Michael Diggin	February 28, 2005	9:30 a.m.

Dated: December 23, 2004

Respectfully submitted,

By   
Kenneth A. Wexler

Jennifer Fountain Connolly  
Anthony J. Sievert  
The Wexler Firm LLP  
One N. LaSalle Street, Suite 2000  
Chicago, IL 60602  
Telephone: (312) 346-2222  
Facsimile: (312) 346-0022



**CERTIFICATE OF SERVICE BY VERILAW**

Docket No. MDL 1456

I, Edward A. Wallace, hereby certify that I am one of plaintiffs' attorneys and that, on December 23, 2004, I caused copies of the foregoing *Notice of Depositions to AstraZeneca* to be served on all counsel of record by causing same to be posted electronically via Verilaw.

Dated: December 23, 2004

---

Edward A. Wallace



**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION**

**MDL No. 1456**

**CIVIL ACTION: 01-CV-12257-PBS**

**Judge Patti B. Sarls**

**THIS DOCUMENT RELATES TO ALL  
CLASS ACTIONS.**

**NOTICE OF DEPOSITIONS TO ASTRAZENECA**

**TO: ALL COUNSEL OF RECORD:**

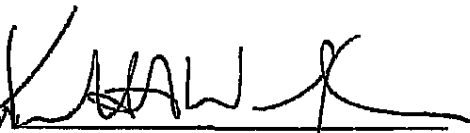
PLEASE TAKE NOTICE that pursuant to Rule 30 of the Federal Rules of Civil Procedure, plaintiffs, by and through their counsel, will take the depositions upon oral examination of the following individuals at the offices of Silverman & McDonald, 1010 N. Bancroft Parkway, Suite 22, Wilmington, Delaware 19805, on the following dates and times, and continuing from day to day thereafter until completed. The depositions will be taken before a notary public or another officer authorized by law to administer oaths and recorded by stenographic means. You are invited to attend.

<u>Deponent</u>	<u>Date</u>	<u>Time</u>
Esther Selvaggi	February 14, 2005	9:30 a.m.
Keith Patterson	February 15, 2005	9:30 a.m.
Erik Schultz	February 16, 2005	9:30 a.m.



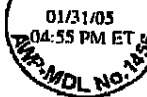
Dated: January 31, 2005

Respectfully submitted,

By 

Kenneth A. Wexler  
Jennifer Fountain Connolly  
Anthony J. Sievert  
The Wexler Firm LLP  
One N. LaSalle Street, Suite 2000  
Chicago, IL 60602  
Telephone: (312) 346-2222  
Facsimile: (312) 346-0022



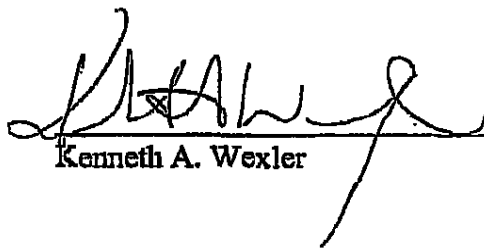


**CERTIFICATE OF SERVICE BY VERILAW**

Docket No. MDL 1456

I, Kenneth A. Wexler, hereby certify that I am one of plaintiffs' attorneys and that, on January 31, 2005, I caused copies of the foregoing *Notice of Depositions to AstraZeneca* to be served on all counsel of record by causing same to be posted electronically via Verilaw.

Dated: January 31, 2005



Kenneth A. Wexler

## EXHIBIT 3

John Richard Freeberry

Highly Confidential  
Wilmington, DE

May 20, 2004

1

1 H I G H L Y C O N F I D E N T I A L

2 UNITED STATES DISTRICT COURT

3 FOR THE DISTRICT OF MASSACHUSETTS

4 -----X

5 IN RE PHARMACEUTICAL INDUSTRY ) MDL No. 1456

6 AVERAGE WHOLESALE PRICE ) CIVIL ACTION:

7 LITIGATION ) 01-CV-12257-PBS

8 ) Judge Patti B. Saris

9 -----X

THIS DOCUMENT RELATES TO )

10

01-CV-12257-PBS and 01-CV-339 )

11 -----X

12

13 THURSDAY, MAY 20, 2004

14

15 Deposition of JOHN RICHARD FREEBERRY, held

16 at the Law Offices of McCarter & English, 919 North

17 Market Street, Suite 1800, Wilmington, DE, before

18 Cindy Sebo of Spherion Deposition Services, Notary

19 Public in and for the State of Maryland.

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1 Q Who else was involved in that process?

2 A Pete Nebenfhr.

3 Q Tell me about when you first learned of  
4 the project -- or who brought the idea to you?

5 A I think it was Pete, as I recall. He's  
6 the head of that department.

7 Q What did he tell you?

8 A He said we're at a big disadvantage in  
9 the market. Our AWP spread is 25 percent, and  
10 most of our competitors were 20. And he wanted me  
11 to research that issue to see if we can make a  
12 recommendation, and we did that.

13 Q Do you remember when this was that he  
14 first came to you?

15 A In '94.

16 Q What position did you hold in '94 when  
17 he first came to you?

18 A Actually, I was a consultant at that  
19 point in time. I was working there a few days a  
20 week.

21 Q Who were you employed by as a  
22 consultant?